Executive Summary – Enforcement Matter – Case No. 42681 Equistar Chemicals, LP RN102926920 Docket No. 2011-1829-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Equistar Chemicals Bayport Complex, 5761 Underwood Road, Pasadena, Harris County

Type of Operation:

Chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 24, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,000

Amount Deferred for Expedited Settlement: \$0 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$5,000

Name of SEP: Houston Regional Monitoring Corporation; HRMC Houston Area Air

Monitoring

Compliance History Classifications:

Person/CN - Average Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: \$23,900

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 42681 Equistar Chemicals, LP RN102926920 Docket No. 2011-1829-AIR-E

Investigation Information

Complaint Date(s): N/AComplaint Information: N/A

Date(s) of Investigation: June 9, 2011 Date(s) of NOE(s): September 13, 2011

Violation Information

Failed to prevent unauthorized emissions. Since this emissions event could have been avoided by better maintenance and/or operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222 [30 Tex. Admin. Code §§ 115.722(c)(1), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Permit No. 6257E, Special Conditions No. 1, and Federal Operating Permit No. O1373, Special Terms and Conditions No. 18].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

- 1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
- 2. The Order will also require the Respondent to:
- a. Within 30 days, implement measures and/or procedures to ensure the proper maintenance of the alarm system associated with the Ethylene Oxide Unit; and
- b. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEO Attorney: N/A

TCEQ Enforcement Coordinator: John Muennink, Enforcement Division,

Enforcement Team 5, MC R-12, (713) 422-8970; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

Executive Summary – Enforcement Matter – Case No. 42681 Equistar Chemicals, LP RN102926920 Docket No. 2011-1829-AIR-E

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,

MC 219, (512) 239-3565

Respondent: Guy Tremblay, Site Manager, Equistar Chemicals, LP, 5761 Underwood

Road, Pasadena, Texas 77507

Sharon Sirgo, Environmental Manager, Equistar Chemicals, LP, 5761 Underwood Road,

Pasadena, Texas 77507

Respondent's Attorney: N/A



Attachment A Docket Number: 2011-1829-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Equistar Chemicals, LP	
Penalty Amount:	Ten Thousand Dollars (\$10,000)	
SEP Offset Amount:	Five Thousand Dollars (\$5,000)	
Type of SEP:	Contribution to a Pre-approved SEP	
Third-Party Recipient:	Houston Regional Monitoring Corporation	
Project Name:	HRMC Houston Area Air Monitoring	
Location of SEP:	Harris County	

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the *HRMC Houston Area Air Monitoring*. The contribution will be used in accordance with the Supplemental Environmental Project between the Third-Party Recipient and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants including approximately 160 volatile organic compounds ("VOCs"). Specifically, the Third-Party Recipient shall use SEP Funds to operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston's progress toward achieving or remaining in attainment of the NAAQS. Implementation of this SEP will allow continuation of ambient air monitoring in this region to collect near real-time VOC, nitrogen oxides, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur and to assess potential ambient community exposure to a limited number of HAPs. Data from these monitors may also be publicly accessible through the TCEO website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness and will indirectly benefit by having data useful in addressing Houston's ozone nonattainment status.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order to:

Houston Regional Monitoring Corporation SEP c/o Christopher B. Amandes, Vinson & Elkins, LLP First City Tower 1001 Fannin Street, Suite 2500 Houston, Texas 77002-6760

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality Enforcement Division Attention: SEP Coordinator, MC 219 P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP agreement in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to complete the project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. The Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality Litigation Division Attention: SEP Coordinator, MC 175 P.O. Box 13087 Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that the Project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

	Penalty Calculation Worksheet (PCW)	i.
Policy Revision 2 (Se	ptember 2002)	PCW Revision October 30, 2008
ICEQ DATES Assigned PCW	19-Sep-2011	
Reg. Ent. Ref. No.	Equistar Chemicals, LP RN102926920	
Facility/Site Region	12-Houston Major/Minor Source Major	5
CASE INFORMATION		
Enf./Case ID No.	42681 No. of Violations 1	
	2011-1829-AIR-E Order Type Find	ings
Media Program(s)		
Multi-Media	Enf. Coordinator John	rcement Team 5
Admin. Penalty \$ L		TOTAL TOTAL
	Penalty Calculation Section	
TOTAL BASE PENA	LTY (Sum of violation base penalties)	ibtotal 1 \$10,000
ADJUSTMENTS (+	/-) TO SUBTOTAL 1	
Subtotals 2-7 are ob	tained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance Hi		<i>2, 3,</i> & <i>7</i> \$23,900
	Enhancement for 10 NOVs with same/similar violations, eight NOVs with	Yelling
Notes	dissimilar violations, five orders with denial of liability, two orders without denial of liability, and one court order with denial of liability.	
Notes	Reduction for three notices of intent to conduct an audit and two	
	disclosures of violations.	
	<u> </u>	-
Culpability	NO 0.0% Enhancement St	ibtotal 4 \$0
Notas	The Respondent does not meet the culpability criteria.	·
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effe	ort to Comply Total Adjustments Su	ibtotal 5 \$0
		X*********************************
Economic Bene	efit 0.0% Enhancement* Su	btotal 6 \$0
	Total EB Amounts \$85 *Capped at the Total EB \$ Amount	
Approx.	Cost of Compliance \$2,000	
SUM OF SUBTOTAL	S 1-7 Final	Subtotal \$33,900
JUNIOL JUDIOLA		3uptotai (\$33,500
OTHER FACTORS A	S JUSTICE MAY REQUIRE 0.0% Adj	ustment \$0
	Subtotal by the indicated percentage.	101111111111111111111111111111111111111
		······································
Notes		аналичи
	Final Penalty	Amount \$33,900
	Tillal Fellalty	Amount \$33,900
STATUTORY LIMIT	ADJUSTMENT Final Assessed	Penalty \$10,000
DEFERRAL		ustment \$0
Reduces the Final Assessed Pe	nalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)	ere
Notes	No deferral is recommended for Findings Orders.	· ·
	::::::::::::::::::::::::::::::::::::::	

\$10,000

PAYABLE PENALTY

PCW

Policy Revision 2 (September 2002)
PCW Revision October 30, 2008

Respondent Equistar Chemicals, LP Case ID No. 42681

Reg. Ent. Reference No. RN102926920

Media [Statute] Air

Enf. Coordinator John Muennink

Compliance History Worksheet

Component			ere Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	10	50%
	Other written NOVs	8	16%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	5	100%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	1	30%
Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	3	-3%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%
		se Enter Yes or i	124-1
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
eat Violator (Adjustment Perc	entage (Sı	ıbtotal 2
No	Adjustment Perc	entage (Sı	ıbtotal 3
ipliance Histo	ory Person Classification (Subtotal 7)		
Average Pe	erformer Adjustment Perc	entage (Sเ	ıbtotal 7)
ipliance Histo	ory Summary		
Compliance History Notes	Enhancement for 10 NOVs with same/similar violations, eight NOVs with dissimilar five orders with denial of liability, two orders without denial of liability, and one condenial of liability. Reduction for three notices of intent to conduct an audit and two violations.	urt order wit	h

Screening Date	4-Oct-2011	Docket No. 2011	L-1829-AIR-E	PCW
•	Equistar Chemicals, LP			y Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.				PCW Revision October 30, 2008
Media [Statute]	Air			
Enf. Coordinator	TAXABLE INTERNATION OF THE PROPERTY OF THE PRO			,
Violation Number				
Rule Cite(s)	30 Tex. Admin. Code §§ 1	15.722(c)(1), 116.115(c), and	122,143(4), Tex. He	alth &
		Permit No. 6257E, Special Con No. 01373, Special Terms and (iderali
		orized emissions, as documente	e de	::::::::::::::::::::::::::::::::::::::
	3	 Also, failed to limit emissions ss than 1,200 pounds ("lbs") or 		: decease and deBi
	u ::::::::::::::::::::::::::::::::::::	Respondent released 10.51 lbs	000000000000000000000000000000000000000	: a a a a a a a a a a a a
		m the Ethylene Oxide Unit durin		
Violation Description		50) that began on May 27, 201 hen the Plant lost power due to		
·	uninterrupted power supp	ly because of a ground fault tha	it went undetected d	ue to
	• The second of the second	anel card. The loose annunciate would have notified the control	100000010000000000000000000000000000000	::::::::::::::::::::::::::::::::::::::
	Since this emissions even	could have been avoided by be	etter maintenance ar	nd/or
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	ucicisc	diloci do Tex. Admin. Code 3 1	01,222.	
			Base Per	nalty \$10,000
>> Environmental, Proper		h Matrix		A. Character
Release	Harm Major Moderate	Minor		
OR Actual	x			:
Potential		Perc	ent 100%	
>>Programmatic Matrix				
Falsification	Major Moderate			
		Perc	ent 0%	
Matrix Human hea	Ith or the environment has	peen exposed to a significant ar	nount of pollutants ti	hat
Notes	exceed levels protective of	human health or environmenta	I receptors.	
L 2011 II II Barrery Abbreve		Adjustn	***	<u>\$0</u>
		Aujusti	ient_	
				\$10,000
Violation Events				
Number of	Violation Events 1	1 Num	ber of violation days	or accessor
	daily x			
	weekly			
mark only one	monthly quarterly		Violation Base Per	nalty \$10,000
with an x	semiannual		Violation base Fei	1aity \$10,000
	annual			
	single event			
	04.%			
1.00	One daily	event is recommended.		
Good Faith Efforts to Com	nly 0.09	% Reduction		\$0
	Before NOV			111
	Extraordinary			
	Ordinary N/A x	(mark with x)		
	Notes The Respon	ndent does not meet the good fa this violation.	aith criteria for	
			Violation Sub	total \$10,000
Economic Benefit (EB) for	this violation	Stal	tutory Limit Tes	it
	ed EB Amount	\$85 Violat	tion Final Penalty T	Fotal \$33,900
	Thie vi	olation Final Assessed Penal	ty (adjusted for lin	mits) \$10,000
	1113 VI		-, (aujasteu foi IIII	, \$10,000

			Benefit	TTU	INSHEEL		
Respondent		icals, LP					
Case ID No.	8						
a. Ent. Reference No.	RN102926920					***************************************	
Media	Air :					Percent Interest	Years of
Violation No.	1					r crecint america	Depreciation
			,			5.0	1.
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land		<u> </u>		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$2,000	27-May-2011		0.00	\$0 \$85	n/a n/a	\$0 \$85
!		opense to impleme	ent measures a	nd/or n	rocedures to ensu	ire the proper maint	enance of the
Notes for DELAYED costs	Ethylene Oxio	le Unit alarm syst		Require		e emissions event.	
		le Unit alarm syst is the date t	hat corrective r	Require neasure	es are estimated t	ie emissions event. o be completed.	The Final Date
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Avoided Costs Disposal Personnel ection/Reporting/Sampling		le Unit alarm syst is the date t	hat corrective r	Require neasure neasur	es are estimated to the state of the state o	e emissions event. o be completed. for one-time avoic \$0 \$0 \$0	The Final Date ded costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel ction/Reporting/Sampling Supplies/equipment		le Unit alarm syst is the date t	hat corrective r	Require neasure enterir 0.00 0.00 0.00 0.00 0.00 0.00	es are estimated t ng item (except \$0 \$0 \$0 \$0	e emissions event. o be completed. for one-time avoid \$0 \$0 \$0 \$0	The Final Date ded costs) \$0 \$0 \$0 \$0
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Avoided Costs Disposal Personnel ection/Reporting/Sampling Supplies/equipment Financial Assurance [2] DNE-TIME avoided costs [3]		le Unit alarm syst is the date t	hat corrective r	enterir 0.00 0.00 0.00 0.00 0.00 0.00	es are estimated t ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	e emissions event. to be completed. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	The Final Date ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel ection/Reporting/Sampling Supplies/equipment		le Unit alarm syst is the date t	hat corrective r	enterir 0.00 0.00 0.00 0.00 0.00	es are estimated to the state of the state o	e emissions event. o be completed. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	The Final Date So

Compliance History

Customer/Respondent/Owner-Operator:

CN600124705

Equistar Chemicals, LP

Classification: AVERAGE

Rating: 4.86

Regulated Entity:

RN102926920

EQUISTAR CHEMICALS BAYPORT

Classification: AVERAGE.

Site Rating: 4.86

ID Number(s):

POLLUTION PREVENTION PLANNING

WASTEWATER

WASTEWATER

INDUSTRIAL AND HAZARDOUS WASTE

COMPLEX

INDUSTRIAL AND HAZARDOUS WASTE

AIR NEW SOURCE PERMITS

AIR NEW SOURCE PERMITS
AIR NEW SOURCE PERMITS
AIR NEW SOURCE PERMITS
AIR NEW SOURCE PERMITS
AIR NEW SOURCE PERMITS
AIR NEW SOURCE PERMITS

AIR OPERATING PERMITS AIR OPERATING PERMITS

AIR OPERATING PERMITS AIR OPERATING PERMITS

AIR OPERATING PERMITS PETROLEUM STORAGE TANK

AIR EMISSIONS INVENTORY

WATER LICENSING

EPAID

WQ0003029000 TX0103900 TXD982306144

4820100882

83663

6257E

53450

6257F

24932

26681

27151 82200

2314

1373 HG1996R

1010818

HGA009I

HG0621B

HG1996R

P00501

SOLID WASTE REGISTRATION# 38073

(SWR) **AFS NUM**

PERMIT PERMIT

PERMIT

ID NUMBER

PERMIT

EPA ID

ACCOUNT NUMBER REGISTRATION

PERMIT REGISTRATION REGISTRATION REGISTRATION REGISTRATION LICENSE

ACCOUNT NUMBER ACCOUNT NUMBER PERMIT **ACCOUNT NUMBER**

REGISTRATION

REGISTRATION ACCOUNT NUMBER 51237 C87643 HG1996R

Location:

5761 UNDERWOOD RD, PASADENA, TX, 77507

TCEQ Region:

REGION 12 - HOUSTON

Date Compliance History Prepared:

September 27, 2011

REGISTRATION

USED OIL

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

September 27, 2006 to September 27, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

John Muennink

Phone:

(713) 422-8970

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

No

3. If Yes, who is the current owner/operator?

N/A

4. If Yes, who was/were the prior owner(s)/operator(s)?

N/A

5. When did the change(s) in owner or operator occur?

N/A

ADMINORDER 2007-0815-AIR-E

6. Rating Date: 9/1/2011 Repeat Violator:

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 03/08/2008

Classification: Moderate 30 TAC Chapter 115, SubChapter H 115.722(c)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit # 6257E, Special Condition #1 PA

Description: Failure to prevent unauthorized emission of ethylene.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter F 101.221(a) 30 TAC Chapter 115, SubChapter H 115.722(d) 30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

Rqmt Prov: Permit #6257E, Special Condition #7B PERMIT

Permit #6257E, Special Condition #7D PERMIT

Description: Failure to prevent lost of flare flame.

Effective Date: 10/01/2008

COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 6257E, SC #1 PA

Description: Failed to prevent unauthorized emissions of 736.6 pounds of Ethylene Oxide from the Ethylene Oxide Unit during an emissions event that occurred on December 26, 2004 and lasted 47 hours

and 42 minutes.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to identify the preconstruction permit authorization number for the facility involved in

the emissions event.

Effective Date: 11/06/2008

ADMINORDER 2008-0714-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rgmt Prov: Permit #6257E, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 875 pounds of ethylene and 737 pounds of ethylene oxide were released from Pressure Release Valve 43RV185 at Emission Point Number EOFUG when the Respondent failed to prevent the loss of electrical power to a portion of the plant which caused the unit to shut down, resulting in an emission event on February 2, 2008 which

lasted for 4 minutes (Incident No. 103210).

Effective Date: 12/18/2009

ADMINORDER 2008-0923-AIR-E

Classification: Moderate

Classification: Moderate Citation: 30 TAC Chap

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent the release of unauthorized air contaminants into the atmosphere.

Effective Date: 02/22/2010

ADMINORDER 2009-0219-AIR-E

Classification: Moderate

Citation: 30 TAC Chant

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: The Respondent failed to prevent unauthorized emissions during Incident No. 106249.

Effective Date: 04/11/2010 ADMINORDER 2009-1549-AIR-E

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(c) Citation:

5C THSC Chapter 382 382.085(b)

Romt Prov: Special Condition #1 PERMIT

Description: The Respondent is alleged to have failed to prevent unauthorized emissions during Incident

No. 125119.

Effective Date: 06/18/2010 ADMINORDER 2009-1976-AIR-E

Classification: Moderate

30 TAC Chapter 115, SubChapter H 115.722(c)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 6257E, Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions during Incident No. 124036. Since the emissions

event was excessive and could have been avoided through better operational practices, the

demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Effective Date: 04/18/2011 ADMINORDER 2010-1515-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions. Also exceeded 1,200 pounds of HRVOC per one-hour block period from any flare, vent, pressure relief valve, cooling tower, or any combination for a site located in Harris County that is subject to the Vent Gas Control requirements.

Any criminal convictions of the state of Texas and the federal government.

N/A

Chronic excessive emissions events.

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	02/14/2007	(514773)
2	10/11/2006	(527373)
3	05/01/2007	(532613)
4	04/05/2007	(536838)
- 5	02/12/2007	(551133)
6	11/07/2006	(551134)
7	12/05/2006	(551135)
. 8	01/18/2007	(551136)
9	05/03/2007	(554897)
10	07/13/2007	(559637)
11	07/16/2007	(565220)
12	09/06/2007	(571788)
13	03/02/2007	(587732)
14	04/12/2007	(587733)
15	05/11/2007	(587734)
16	06/08/2007	(587735)
17	07/06/2007	(587736)
18	08/15/2007	(605178)
19	09/12/2007	(605179)
20	10/11/2007	(605180)
21	02/29/2008	(612847)
22	01/25/2008	(613136)

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23 01/25/2008
                  (613421)
   03/06/2008
                  (616814)
25 03/24/2008
                  (619007)
26
    11/05/2007
                  (628503)
27
    12/05/2007
                  (628504)
                  (628505)
28 01/14/2008
29
    07/07/2008
                  (636745)
30.
    04/21/2008
                  (641735)
                  (641745)
31
    04/21/2008
                  (646550)
32
    04/17/2008
33
    02/06/2009
                  (654875)
    05/30/2008
                  (670772)
35
                  (676436)
    02/13/2008
36
    03/06/2008
                  (676437)
                  (676438)
37
    04/03/2008
38
    05/07/2008
                  (694897)
39
    06/03/2008
                  (694898)
40
    07/14/2008
                  (694899)
41
    12/09/2008
                  (700786)
                  (701686)
42
   01/06/2009
43
    04/21/2009
                  (703526)
44
    08/06/2008
                  (716385)
                  (716386)
45
    09/08/2008
46
    10/02/2008
                  (716387)
                  (716388)
    11/06/2008
47
48 12/15/2008
                  (721119)
                  (731851)
    12/09/2008
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50
    01/08/2009
                  (731852)
    04/20/2009
                  (736550)
51
                  (737363)
52
    03/24/2009
53
    05/05/2009
                  (740163)
54
    07/08/2009
                  (742361)
                  (747102)
55
   11/23/2009
    06/17/2009
                  (749392)
56
    09/02/2009
57
                  (749562)
    08/06/2009
                  (749798)
                  (755262)
59
    02/04/2009
60
    03/04/2009
                  (755263)
    04/08/2009
                  (755264)
61
                  (759204)
62 09/10/2009
63
   08/27/2009
                  (767173)
    12/21/2009
                  (767399)
64
65 09/30/2009
                  (768078)
66 05/11/2009
                  (772355)
67
   06/05/2009
                  (772356)
68 08/05/2010
                  (790168)
69 03/22/2010
                  (794745)
70 04/28/2010
                  (795330)
71
   02/08/2010
                  (817081)
72
   07/20/2009
                  (817082)
73
   08/12/2009
                  (817083)
   09/02/2009
                  (817084)
74
75
    10/06/2009
                  (817085)
76
                  (817086)
    11/16/2009
77
    12/09/2009
                  (817087)
78
   01/12/2010
                  (817088)
                  (824417)
79 07/01/2010
80
   09/03/2010
                  (828301)
81 09/03/2010
                  (829342)
                  (835215)
82
   03/18/2010
83
   04/09/2010
                  (835216)
   05/06/2010
                  (835217)
84
85
   08/09/2010
                  (843325)
86
   08/09/2010
                  (844509)
87
   06/02/2010
                  (847599)
                  (848692)
88
   10/06/2010
89 09/28/2010
                  (857777)
90
   08/19/2010
                  (861996)
91
   08/19/2010
                  (868577)
   10/25/2010
                  (870470)
93
   09/10/2010
                  (875465)
94
   02/24/2011
                  (877976)
   03/08/2011
                  (879103)
95
   10/08/2010
96
                  (883008)
97
   02/14/2011
                  (885753)
   11/03/2010
                  (889425)
98
99 02/15/2011
                  (891912)
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100 12/06/2010
                  (897791)
101 01/10/2011
                   (903682)
102 02/07/2011
                   (910577)
103 03/01/2011
                   (917837)
104 05/24/2011
                   (921448)
105 09/13/2011
                   (924508)
106 04/05/2011
                   (929512
107 06/20/2011
                   (933793)
108 08/18/2011
                   (937190)
109 05/09/2011
                   939535
110 09/01/2011
                   (940889)
111 06/10/2011
                   (946945)
112 09/02/2011
                   (948453)
113 07/05/2011
                   (954206)
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Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 12/31/2006

(551136)

(536838)

(532613)

CN600124705

Self Report? YE

Classification: Moderate

Citation:

E.

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description:

Failure to meet the limit for one or more permit parameter

Date: 03/21/2007

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Permit #6257E, Special Condition 1 PA

Description:

Failure to prevent the unauthorized emissions of volatile organic compounds

(VOC).

Date: 05/02/2007

Self Report? NO

Classification: Minor

Citation:

30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)

5C THC Chapter 382, SubChapter D 382.085(b)
No. 6257E, Special Condition 16E PERMIT
No. 6257E, Special Condition 18 PERMIT
No. 6257E, Special Condition 19E PERMIT
No. 6257F, Special Condition 3E PERMIT
No. 6257F, Special Condition 5 PERMIT
No. 0-01373, Special Condition 15A OP
No. 0-01373, Special Condition 1A OP

Description:

failure to equip open-ended lines in VOC Service with a cap, plug, blind flange or second valve and failure to close the second valve on an open-ended lines in

VOC and Ethylene Oxide service.

Self Report? NO

Classification: Minor

Citation:

30 TAC Chapter 115, SubChapter D 115.352(1)(B) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)

5C THC Chapter 382, SubChapter D 382.085(b) No. 6257F, Special Condition 3(I) PERMIT No. O-01373, Special Condition 15A OP No. O-01373, Special Condition 1A OP

Description:

failure to repair two leaking pumps within 15 days of the date they were found

leaking.

Self Report?

NO

Classification: Moderate

Citation:

30 TAC Chapter 115, SubChapter H 115,722(d)(1) 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THC Chapter 382, SubChapter D 382.085(b) No. 6257E, Special Condition 7A PERMIT No. 6257E, Special Condition 7D PERMIT No. O-01373, Special Condition 15A OP No. O-01373, Special Condition 1A OP

Description:

failure to maintain the net heating value to the Plant Flare at a mimimum value of

300 Btu/scf.

Self Report? NO

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b) No. 6257F, Special Condition 3H PERMIT No. O-01373, Special Condition 15A OP

Description:

failure to attach a tag to a leaking component indicating the component is leaking

and needs repair.

Self Report? NO Classification: Minor

Classification:

Minor

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)

5C THC Chapter 382, SubChapter D 382.085(b) No. 6257E, Special Condition 16F PERMIT No. O-01373, Special Condition 15A OP No. O-01373, Special Condition 1A OP

Description:

failure to monitor 21 components in VOC service for fugitive emissions.

Date: 03/03/2008

(612847)

CN600124705

Self Report? NO Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Permit #6257E, Special Condition #1 PERMIT

Description:

Failure of the Recycle Gas Compressor West Drainer Module Level Controller resulting in the release of contaminants from the relief valve to the atmosphere.

CN600124705 (616814)

Self Report? NO

Date: 03/06/2008

Classification: Moderate

Minor

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Permit #6257E PERMIT

Description:

Failure of the Quench Bleed Stripper Overhead Pressure Controller which

resulted in the release of ethylene oxide to the atmosphere.

Date: 07/07/2008

(636745)

CN600124705

Self Report?

Classification: 30 TAC Chapter 122, SubChapter B 122.143(4)

Citation:

5C THSC Chapter 382 382.085(b)

OP O-01373, Special Condition 3B(iv)(1) OP

Description:

Failure to conduct quarterly visible emission observation. Unit

ID#10-6891,10-6892,10-6893,10-6894.

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

5C THSC Chapter 382 382.085(b) OP O-01373, Special Condition 15 OP P 6257E, SC 18E, and 6257F, SC 3E PA

Description:

Failure to cap/plug open-ended lines, Unit ID#EODFUG, EOFUG, Tank #4623, T-6.

Category C10.

Self Report?

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) OP O-01373, Special Condition 15 PA P 6257E, Special Condition 7B PA

Description:

Failure to maintain flare pilot flame, Unit ID# Flare-CV.

Self Report? Classification: Minor 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(C) Citation: 5C THSC Chapter 382 382.085(b) Failure to re-certify flare header flow meter, 65FIT0363 Description: Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C) 30 TAC Chapter 115, SubChapter H 115.781(b) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2) 5C THSC Chapter 382 382.085(b) OP O-01373, Special Condition 15 OP P 6257F, Special Condition 3F PA Failure to monitor nine valves in hazardous air pollutants (HAPs), VOC service. Description: Classification: Moderate Self Report? NO Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i) 5C THSC Chapter 382 382.085(b) OP O-01373, Special Condition 15 OP P 6257F, Special Condition 6 PA Failure to monitor connectors in HAPs/VOC service. Description: Self Report? NO Classification: Moderate 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B) Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) OP O-01373, Special Condition 15 OP P 6257F, Special Condition 13 PA Description: Monoethanolamine (MEA) tank truck overfilled during loading, Unit ID# T-3. Self Report? Classification: 30 TAC Chapter 115, SubChapter D 115.354(5) Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)(1) 5C THSC Chapter 382 382.085(b) OP O-01373, Special Condition 15 OP

P 6257E, Special Condition 17H PA

Description: Failure to tag leaking pump #23-4310. Self Report?

Classification: Minor Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)(1)

5C THSC Chapter 382 382.085(b) OP O-01373, Special Condition 15 OP P 6257F, Special Condition 3I PA

Failure to repair leaking pump #23-5220. Description:

Self Report? Classification: NO Minor

30 TAC Chapter 115, SubChapter B 115.112(a)(3) Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) OP O-01373, Special Condition 4 OP

Description: Failure to limit raw material vent scrubber temperature, tank 4616

Date: 12/09/2008 (700786)CN600124705

Self Report? NO Classification: Moderate 30 TAC Chapter 116, SubChapter B 116.115(c)

> 5C THSC Chapter 382 382 085(b) Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions.

Citation:

CN600124705 Date: 12/21/2009 (767399)

Self Report? Classification: Minor

30 TAC Chapter 115, SubChapter D 115.354(2) Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2) 5C THSC Chapter 382 382.085(b) FOP O-01373 Special Term & Condition 15 OP NSR 6257E Special Condition 17F PERMIT NSR 6257F Special Condition 3F PERMIT Failure to monitor for fugitive components. (CATEGORY C4 Violation) Description: Self Report? NO Classification: Minor 30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1) 5C THSC Chapter 382 382.085(b) FOP O-01373 Special Term & Condition 15 OP NSR Permit 6257E Special Condition 17H PERMIT NSR Permit 6257F Special Condition 7H PERMIT Failure to repair leaking components within the required timeframe. (CATEGORY Description: B18 Violation) Self Report? Classification: 30 TAC Chapter 115, SubChapter D 115.356(2)(E)(ii) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d) 5C THSC Chapter 382 382.085(b) FOP O-01373 Special Term & Condition 15 OP NSR Permit 6257E Special Condition 17H PERMIT NSR Permit 6257F Special Condition 7H PERMIT Description: Failure to tag leaking components. (CATEGORY C4 Violation) Self Report? Classification: NO Minor 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THSC Chapter 382 382.085(b) FOP O-01373 Special Term & Condition 15 OP NSR 6257E Special Condition 19 PERMIT NSR 6257F Special Condition 5 PERMIT Description: Failure to prevent open ended lines. (CATEGORY C10 Violation) Self Report? NO. Classification: Minor 30 TAC Chapter 115, SubChapter H 115.722(d) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122,143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60,18(c)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5) 5C THSC Chapter 382 382.085(b) FOP O-01373 Special Term & Condtion 15 OP NSR 6257E Special Condition 7B PERMIT Failure to maintain flare pilot light. (CATEGORY B18 Violation) Description: Self Report? Classification: Minor 30 TAC Chapter 117, SubChapter B 117.310(f) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01373 Special Term & Condition 1A OP Operation of Diesel Engine during restricted hours. (CATEGORY B18 Violation) Description: Self Report? NO Classification: Minor 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Failure to prevent opacity exceedance on emergency generator. (CATEGORY Description: B18 Violation) NO Classification: Minor 30 TAC Chapter 115, SubChapter B 115.112(a)(3)

Self Report? Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)

FOP O-01373 Special Term & Condtion 14 OP

Description: Failure to maintain scrubber temperature limits less than 100 degress Fahrenheit.

(CATEGORY C4 Violation)

Citation:

Citation:

Citation:

Citation:

Citation:

Citation:

CN600124705 Date: 12/31/2009 (817088)

Self Report? YES Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

CN600124705 Date: 05/31/2010 (847599)

Classification: Self Report? YES Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

Self Report? Classification: Moderate

CN600124705

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b) Special Condition #1 PERMIT

Failure to prevent unauthorized emissions due to transmitter malfunction. Description:

Sub-Category: B14

(824417)

Date: 07/01/2010

Date: 09/03/2010 (829342)CN600124705

Self Report? Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(c) Citation:

5C THSC Chapter 382 382.085(b) Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions due to the ethylene oxide (EO) Feed

Pump Pressure Transmitter 52PT006 gasket failure.

Date: 09/28/2010 CN600124705 (857777)

Classification: Self Report? NO Moderate

30 TAC Chapter 116, SubChapter B 116.115(c) Citation:

5C THSC Chapter 382 382.085(b) Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions due to the Ethylene Oxide Purification

System venting to the shutdown Vent Absorber.

Date: 11/30/2010 (897791)CN600124705

Self Report? Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305,125(1)

Failure to meet the limit for one or more permit parameter Description:

Date: 12/31/2010 (903682)CN600124705

Classification: Moderate Self Report? YES

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 06/20/2011 (933793)CN600124705

Self Report? Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

During the investigation, it was determined that updates to the facility's NOR Description:

Self Report?

were needed.

Classification: 30 TAC Chapter 335, SubChapter H 335.261(a) Citation:

40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.15(c)(1)

Description: The facility had failed to include accumulation dates on universal waste NO

Self Report? Classification: Moderate Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)

Description: The facility had not been inspecting hazardous waste tanks WMU010 and

WMU011 daily as required

Self Report?

Citation:

Description:

30 TAC Chapter 335, SubChapter C 335.69(a)(2)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)

The facility failed to label hazardous waste. Description:

Date: 08/01/2011 (948453)CN600124705

Classification: Self Report? NO Minor

30 TAC Chapter 335, SubChapter A 335.6(c) Citation:

During the investigation, it was determined that updates to the facility's NOR Description:

were needed.

NO Classification: Self Report? Minor

Citation: 30 TAC Chapter 335, SubChapter H 335.261(a) 40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.15(c)(1)

The facility had failed to include accumulation dates on universal waste

Classification:

Description:

Self Report? NO Classification: Moderate 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B) Citation:

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)

The facility had not been inspecting hazardous waste tanks WMU010 and

WMU011 daily as required

CN600124705 Date: 09/01/2011 (940889)

Self Report? NO Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a)(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(4) 30 TAC Chapter 305, SubChapter F 305.125(5)

Permit Conditions PERMIT

Description: Failed to prevent the unauthorized discharge of wastewater.

Self Report? NO Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

ELMR PERMIT

Description: Failed to maintain compliance with the permitted effluent limits.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(e)

Failed to accurately complete the discharge monitoring reports (DMRs). Description:

F. Environmental audits.

Notice of Intent Date: 06/01/2007 (571660) 08/09/2007 Disclosure Date:

Viol. Classification: Minor Rgmt Prov: PERMIT O-1373

Description: Failure to maintain CFC recordkeeping.

Viol. Classification: Moderate

30 TAC Chapter 117, SubChapter H 117.9020(2)(A)(i) Citation: Description: Failure to perform NOx stack testing on Boiler (EPN-P-25).

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failure to permit two emission sources.

Notice of Intent Date: 10/01/2008 (707526) Disclosure Date: 11/18/2008

Viol. Classification: Moderate

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(b)(4) Citation:

Description: Failure to adequately control of sample purges containing hazardous air pollutants that were routed to the

facility wastewater system.

05/15/2009 Disclosure Date:

Viol. Classification: Major

30 TAC Chapter 116, SubChapter B 116.110(a) Citation:

Description: Failure to obtain authorization for wastewater pond emissions.

Viol. Classification: Moderate Citation: 30 TAC Chapter 335, SubChapter A 335.6(b)

Description: Failure to include wastewater pond as a solid waste management unit for the management of process

wastewater.

Notice of Intent Date: 06/14/2011 (934573)

No DOV Associated

G. Type of environmental management systems (EMSs).

Voluntary on-site compliance assessment dates. H.

N/A

Participation in a voluntary pollution reduction program.

Early compliance. J.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
EQUISTAR CHEMICALS, LP	§	
RN102926920	· §	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2011-1829-AIR-E

At its	agenda,	the Texas Commis	ssion on E	nvironme	ntal Quality
("the Commission" or					
enforcement action regar	rding Equistar Chemic	eals, LP ("the Resp	ondent") u	ınder the	authority of
TEX. HEALTH & SAFETY C	ODE ch. 382 and TEX.	WATER CODE ch. 7	7. The Exe	cutive Dir	rector of the
TCEQ, through the Enfo	rcement Division, and	l the Respondent j	presented t	this agree	ment to the
Commission.					

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical plant at 5761 Underwood Road in Pasadena, Harris County, Texas (the "Plant").

- 2. The Plant consists of one or more sources as defined in Tex. HEALTH & SAFETY CODE § 382.003(12).
- 3. During an investigation conducted on June 9, 2011, TCEQ staff documented the release of 10.51 pounds ("lbs") of ethylene oxide and 17,046 lbs of ethylene from the Ethylene Oxide Unit during an avoidable emissions event (Incident No. 155050) that began on May 27, 2011 and lasted 14 minutes. TCEQ staff also documented the exceedance of the 1,200 lbs in one hour limit for highly reactive volatile organic compounds during the 14 minute event. The event occurred when the Plant lost power due to a malfunction of the uninterrupted power supply because of a ground fault that went undetected due to a loose annunciator panel card. The loose annunciator card prevented the sounding of an alarm that would have notified the control room of the ground fault. The TCEQ determined that the emissions event could have been avoided by better maintenance and/or operational practices.
- 4. The Respondent received notice of the violations on September 18, 2011.

II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 Tex. Admin. Code §§ 115.722(c)(1), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Permit No. 6257E, Special Conditions No. 1, and Federal Operating Permit No. 01373, Special Terms and Conditions No. 18. Since this emissions event could have been avoided by better maintenance and/or operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.
- 3. Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 4. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Water Code § 7.053. The Respondent has paid Five Thousand Dollars (\$5,000) of the administrative penalty. Five Thousand Dollars (\$5,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Ten Thousand Dollars (\$10,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2011-1829-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall implement and complete a SEP in accordance with Tex. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Five Thousand Dollars (\$5,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures to ensure the proper maintenance of the alarm system associated with the Ethylene Oxide Unit; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Air Section, Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

- 8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 10. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.
- The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission For the Executive Director	$\frac{3/2//2}{\text{Date}}$
Equistar Chemicals, LP. I am authorized to Equistar Chemicals, LP, and do agree to t	nd the attached Agreed Order in the matter of agree to the attached Agreed Order on behalf of the specified terms and conditions. I further nent for the penalty amount, is materially relying
procedural rights, including, but not limited to by this Agreed Order, notice of an evidentiary the right to appeal. I agree to the terms of th	ed Order, Equistar Chemicals, LP waives certain, the right to formal notice of violations addressed hearing, the right to an evidentiary hearing, and e Agreed Order in lieu of an evidentiary hearing judication by the Commission of the violations set
 and/or failure to timely pay the penalty amount A negative impact on compliance history Greater scrutiny of any permit applicated Referral of this case to the Attorney additional penalties, and/or attorney feed Increased penalties in any future enforced Automatic referral to the Attorney General and TCEQ seeking other relief as authorized 	cy; ions submitted; General's Office for contempt, injunctive relief, es, or to a collection agency; cement actions; neral's Office of any future enforcement actions;
Authorized Representative of Equistar Chemicals, LP Instructions: Send the original, signed Agreed Order w Division, Revenues Section at the address in	rith penalty payment to the Financial Administration in Section III, Paragraph 1 of this Agreed Order

Attachment A Docket Number: 2011-1829-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Equistar Chemicals, LP	
Penalty Amount:	Ten Thousand Dollars (\$10,000)	
SEP Offset Amount:	Five Thousand Dollars (\$5,000)	
Type of SEP:	Contribution to a Pre-approved SEP	
Third-Party Recipient:	Houston Regional Monitoring Corporation	
Project Name:	HRMC Houston Area Air Monitoring	
Location of SEP:	Harris County	

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Houston Regional Monitoring**Corporation for the *HRMC Houston Area Air Monitoring*. The contribution will be used in accordance with the Supplemental Environmental Project between the Third-Party Recipient and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants including approximately 160 volatile organic compounds ("VOCs"). Specifically, the Third-Party Recipient shall use SEP Funds to operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Equistar Chemicals, LP Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston's progress toward achieving or remaining in attainment of the NAAQS. Implementation of this SEP will allow continuation of ambient air monitoring in this region to collect near real-time VOC, nitrogen oxides, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur and to assess potential ambient community exposure to a limited number of HAPs. Data from these monitors may also be publicly accessible through the TCEO website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness and will indirectly benefit by having data useful in addressing Houston's ozone nonattainment status.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order to:

Houston Regional Monitoring Corporation SEP c/o Christopher B. Amandes, Vinson & Elkins, LLP First City Tower 1001 Fannin Street, Suite 2500 Houston, Texas 77002-6760 Equistar Chemicals, LP Attachment A

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality Enforcement Division Attention: SEP Coordinator, MC 219 P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP agreement in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to complete the project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. The Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality Litigation Division Attention: SEP Coordinator, MC 175 P.O. Box 13087 Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that the Project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

Equistar Chemicals, LP Attachment A

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.